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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,152	09/27/2001	Dwip N. Banerjee	AUS920010569US1	6237

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IBM CORP (YA)
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EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

NOTIFICATION DATE	DELIVERY MODE
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02/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 09/965,152	Applicant(s) BANERJEE ET AL.	
	Examiner DANIEL LASTRA	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 23 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 23 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 12, 23 and 34-36 have been examined. Application 09/965,152 (SERVICE DISCOVERY IN A NETWORK OF AUTOMATIC PRODUCT/SERVICE DISPENSING MACHINES) has a filing date 09/27/2001.

Response to Amendment

2. In response to Non Final Rejection filed 09/05/2007, the Applicant filed an Amendment on 12/05/2007, which amended claims 1, 12 and 23.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12, 23 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 7,084,737) in view of Walker (7,249,050) and further in view of Powell (US 5,956,694).

As per claims 1, 12 and 23, Moore teaches:

A method for providing products, the method comprising:

receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user (see col 5, lines 1-30)

receiving at the first automatic product/service dispensing machine, a payment device of the user wherein the payment device includes identity information (see col 5, lines 1-5);

responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained (see col 5, lines 1-30; col 7, lines 20-40).

Moore fails to teach:

requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine; responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information *and notice of discount value to be given to the user for the item* to the second automatic product/service dispensing machine; and responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting *the discount value* from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine. However, Walker teaches a vending machine that offers products to undecided customers and suggests substitute products when the originally selected item is unavailable (see Walker col 2, line 63 – col 3, line 6) and where the substitute product may further be offered to the customer at a discounted

price as an inducement to a buyer to accept the alternative (see Walker col 4, lines 40-45). Also, Walker teaches a system that when a product qualifies for multiple alternate offers all products that so qualify might be presented to a consumer in a single offer (e.g., "how about A or B or C instead?") so said consumer is able to select one of said plurality of alternate offers (see Walker col 18, lines 45-50). Furthermore, Walker teaches a vending machine that provides a customer with an alphanumeric magnetic-strip discount coupon that would be enter into a vending machine at a later date in order to redeem the discount coupon (see Walker col 15, lines 55-67). Powell teaches a system that stores discount coupons in magnetic-strip cards, where said cards include customers' identification data (see Powell abstract; col 6, lines 1-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects to purchase with a payment card a desired product in a first vending machine if said desired product is unavailable in said first vending machine, Moore would present to said consumer an option to select an alternative product located in a second vending machine where said option would include an incentive discount coupon as an inducement to said consumer to accept the alternative, as Walker teaches that it is old and well known in the promotion art to allow consumers to select one alternative product from a list of alternative products in a vending machine and to receive an inducement coupon for said selection when said consumers has previously selected in said vending machine an unavailable product. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects in said first vending

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machine an alternative product located in said second vending machine that Moore would use said consumer's magnetic strip payment device to identify said consumer and the discount coupon won by said consumer for selecting said alternative, as Walker teaches that it is old and well known in the promotion art that vending machines may be programmed to offer discounts coupons on alternative products when buyers selects unavailable products and to download said coupons to magnetic-strip cards and Powell teaches that it is old and well known in the promotion art to use said magnetic-strip cards to uniquely identify consumers when said consumers redeem discounts coupons stored in said magnetic-strip cards.

As per claims 34-36, Moore teaches:

wherein the payment device comprises one of a smart card, credit card, charge card and debit card (see col 5, lines 1-5).

Response to Arguments

4. Applicant's arguments filed 12/05/2007 have been fully considered but they are not persuasive. The Applicant argues that neither prior art teaches "requesting the user to select a second automatic product/service dispensing machine", "responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine" or "responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a

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reduced price for the item at the second automatic product/service dispensing machine". The Examiner answers that it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects to purchase with a payment card a desired product in a first vending machine if said desired product is unavailable in said first vending machine, Moore would present to said consumer an option to select an alternative product located in a second vending machine where said option would include an incentive discount coupon as an inducement to said consumer to accept the alternative, as Walker teaches that it is old and well known in the promotion art to allow consumers to select one alternative product from a list of alternative products in a vending machine and to receive an inducement coupon for said selection when said consumers has previously selected in said vending machine an unavailable product. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects in said first vending machine an alternative product located in said second vending machine that Moore would use said consumer's magnetic-strip payment device to identify said consumer and the discount coupon won by said consumer for selecting said alternative, as Walker teaches that it is old and well known in the promotion art that vending machines may be programmed to offer discounts coupons on alternative products when buyers selects unavailable products and to download said coupons to magnetic-strip cards and Powell teaches that it is old and well known in the promotion art to use said magnetic-strip cards to uniquely identify

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consumers when said consumers redeem discount coupons stored in said magnetic-strip cards.

The Appellant argues that although Powell may disclose deducting a value of an electronic coupon stored in a customer card when a product is purchased, the customer card, according to the Applicant, is not a payment device and the customer card is not received at an automatic product service dispensing machine that has been selected by a user and to which identity information and notice of a discount value to be given to the user for an item has been met. The Examiner answers that Moore and Walker teach using magnetic-strip cards as payment cards in vending machines (See Moore col 5, lines 1-15 “credit cards”; Walker col 6, lines 25-35), Walker teaches magnetic strip coupons' cards use for redeeming coupons in vending machines (See Walker col 15, lines 55-67) and Powell teaches magnetic strip coupons cards that are read by conventional credit card readers and which are used to redeem coupons in point of sale terminals and which uniquely identifies a consumer (see col 6, lines 1-50; col 8, lines 15-30). Therefore, it would have been obvious to a person of ordinary skill that the Moore's payment card would be used to uniquely identify consumers and to redeem coupons when said consumers visit a vending machine, as Walker and Powel teach that it is old and well known in the promotion art to use magnetic strip cards to store discount coupon and to uniquely verify consumers' identification.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/

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February 11, 2008

/Yehdega Retta/

Primary Examiner, Art Unit 3622